

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 11, 2003

IN RE:

**PETITION OF BELLSOUTH
TELECOMMUNICATIONS, INC. FOR EXEMPTION OF
CERTAIN SERVICES.**

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**DOCKET NO.
03-00391**

**ORDER GRANTING PETITIONS TO INTERVENE
AND REQUESTING PROPOSED PROCEDURAL SCHEDULES**

On June 16, 2003, BellSouth Telecommunications, Inc. ("BellSouth") and Citizens Communications, Inc. filed a *Petition for Exemption of Certain Services* (the "*Petition*") in this matter. In their *Petition* the Petitioners request the exemption from regulation of IntraLATA Toll Service Primary Rate ISDN Service. A petition to intervene was subsequently filed by AT&T Communications of the South Central States, LLC (AT&T) on June 27, 2003.¹

On August 4, 2003, the voting Panel assigned to this docket voted unanimously to convene a contested case proceeding in this matter and to appoint the Authority's General Counsel or his designee to act as the Hearing Officer in this proceeding to address preliminary matters prior to the hearing, to rule on any petition(s) for intervention, and to set a procedural schedule to completion.

¹ AT&T filed an identical petition to intervene on June 30, 2003.

The Southeastern Competitive Carriers Association ("SECCA") filed a petition to intervene on September 5, 2003² and Time Warner Telecom of the MidSouth, LLC ("Time Warner") filed a petition to intervene on September 8, 2003.

Criteria for Permitting Intervention

Tenn. Code Ann. § 4-5-310(a) sets forth the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if;

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

Discussion

Pursuant to the standards set forth in Tenn. Code Ann. § 4-5-310(a), the Hearing Officer grants each of the above-referenced petitions on the basis that each was timely filed and served and that each substantiates that the legal rights, duties, privileges, immunities or other legal interests of the respective Petitioners may be determined in this matter. The Hearing Officer further finds that the orderly and prompt conduct of this proceeding will not be impaired by granting the above-referenced petitions to intervene. No person has filed an objection to any of the above-referenced petitions to intervene.


² SECCA filed a corrected signature page for this petition on September 15, 2003.

The Hearing Officer finds further that in the interest of efficiently setting a procedural schedule to completion in this docket, the Hearing Officer would benefit from receiving proposals for a procedural schedule from the parties and the parties would benefit from the opportunity to do so. These proposals should include, at a minimum, proposals for filing dates and times for discovery, pre-filed direct and rebuttal testimony, and at least three proposed hearing dates.

IT IS THEREFORE ORDERED THAT:

1. AT&T Communications of the South Central States, LLC, the Southeastern Competitive Carriers Association, and Time Warner Telecom of the MidSouth, LLC are hereby given leave to intervene and receive copies of any notices, orders or other documents herein.

2. Any party who wishes to file a proposed procedural schedule in this Docket shall do so according to the minimum requirements stated herein and such proposed procedural schedule shall be filed no later than Thursday, December 18, 2003.


Randal L. Gilliam
Hearing Officer